

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PRIMARY RESOURCES NETWORK	)	Case No. CV 15-1214-DOC-(PJWx)
INC.,	)	
	)	ORDER SUMMARILY REMANDING IMPROPERLY
Plaintiff,	)	REMOVED ACTION TO ORANGE COUNTY
	)	SUPERIOR COURT
v.	)	
	)	
OTONIEL PINEDA, ET AL.,	)	
	)	
Defendant.	)	
	)	
	)	

Before the Court is an unlawful detainer action that Eduardo Garcia removed from the Orange County Superior Court. For the following reasons, the case is summarily remanded back to that court.<sup>1</sup>

On April 21, 2015, Plaintiff Primary Resources Network, Inc. filed an unlawful detainer action in the Orange County Superior Court, alleging that Defendants owed \$1700 in past-due rent. On July 29, 2015, Eduardo Garcia removed the action to this court, arguing that

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<sup>1</sup> As an initial matter, although Mr. Garcia refers to himself as a defendant in the state court action, it appears that he is not a defendant but merely an interested party. If that is the case, it is an additional reason to remand the action. See *Yakama Indian Nation v. State of Wash. Dept. of Revenue*, 176 F.3d 1241, 1248-49 (9th Cir. 1999) (right to remove case is vested exclusively in defendants).

1 there was federal question jurisdiction because the resolution of the  
2 action turns on questions of federal law.

3 Generally speaking, federal district courts lack subject matter  
4 jurisdiction over unlawful detainer actions like this one because they  
5 are grounded in state, not federal, law and do not become federal  
6 cases when a defendant raises a federal question as an affirmative  
7 defense or counterclaim. *See Vaden v. Discover Bank*, 556 U.S. 49, 60  
8 (2009) ("Federal jurisdiction cannot be predicated on an actual or  
9 anticipated defense. . .[or] rest upon an actual or anticipated  
10 counterclaim.") (internal citations omitted). Further, it is clear  
11 from the face of the Complaint that there is no diversity jurisdiction  
12 under 28 U.S.C. § 1332 because, even if Garcia could establish  
13 diversity, the amount in controversy is less than \$10,000. As a  
14 result, Garcia's removal of the action was improper and the case will  
15 be remanded to the Superior Court for further proceedings. *See* 28  
16 U.S.C. § 1441(a); *see also Gaus v. Miles, Inc.*, 980 F.2d 564, 567 (9th  
17 Cir. 1992).

18 IT IS ORDERED that (1) pursuant to 28 U.S.C. § 1447(c), this case  
19 is REMANDED to the Orange County Superior Court - Central Justice  
20 Center, 700 Civic Center Drive West, Santa Ana, CA 92701; (2) the  
21 clerk shall send a certified copy of this Order to the state court;  
22 and (3) the clerk shall serve copies of the Order on the parties.

23 IT IS SO ORDERED.

24 DATED: August 6, 2015

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26 DAVID O. CARTER  
27 UNITED STATES DISTRICT JUDGE

28 Presented by:



PATRICK J. WALSH  
UNITED STATES MAGISTRATE JUDGE